

(Del. Rev. 11/14) Pro Se Prisoner Civil Rights Complaint

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DeShawn Drumgo SR #365566
DeShawn S. Drumgo SR
One hundred and fifteen men & witnesses
(In the space above enter the full name(s) of the plaintiff(s).)

Civ. Action No. _____
(To be assigned by Clerk's
Office)

-against-

Warden David Pierce, Comm. Perry Phalk, Gov John Carney
Mayor Caruthers, John Does of All Agencies involved
Marvel, Mitchell, Beale, Deputy Warden Parham
Maryland and Delaware State Police as Swatteam
(In the space above enter the full name(s) of the defendant(s).)

COMPLAINT
(Pro Se Prisoner)

Jury Demand?
☒ Yes
☐ No

If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section IV. Do not include addresses here.)

Demand: 1.5 million
Sum in both official capacity
And individual capacity for
punitive And monetary damages

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

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I. COMPLAINT

Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

Check one:

- ☒ 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)

II. PLAINTIFF INFORMATION

Name (Last, First, MI)

Aliases

Prisoner ID #

Place of Detention

Institutional Address

County, City

State

Zip Code

III. PRISONER STATUS

Indicate whether you are a prisoner or other confined person as follows:

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner

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IV. DEFENDANT(S) INFORMATION

Please list the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1: Warden David Pierce
 Name (Last, First)

Warden at J.VCC
 Current Job Title

1181 Paddock road
 Current Work Address

Smyrna DE 19977
 County, City State Zip Code

Defendant 2: Commissioner Perry Phelps
 Name (Last, First)

Commissioner of DOC
 Current Job Title

245 McKee Road
 Current Work Address

Smyrna DE 19977
 County, City State Zip Code

Deputy Warden Parker
 Deputy Warden
 1181 Paddock road
 Smyrna, DE 19977

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Defendant(s) Continued

Defendant 3:

State Police John Does Also officer Marvel, Beale
 Name (Last, First) mittell

Police officer And Correctional officer
 Current Job Title

UNKNOWN One Defendants would have to Release Names of
 Current Work Address All officers who Raided B-tier in C-Bldg
5.06 AM

County, City

State

Zip Code

Defendant 4:

Security Chief (MAJOR Currothers)
 Name (Last, First)

Security Chief
 Current Job Title

1181 Paddock Road
 Current Work Address

Smyrna,
 County, City

DE
 State

19977
 Zip Code

Defendant 5: Governor Carney

Governor

Delaware

Address Unknown

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V. STATEMENT OF CLAIMPlace(s) of
occurrence:S.I.V.C.C. C-Bldg

Date(s) of occurrence:

February 1st, 2017

State which of your federal constitutional or federal statutory rights have been violated:

Fifth, Sixth, 8th And 14th Amendment

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you.

FACTS:

ii

"Imminent Danger" and under Serious Physical Injury
I the Plaintiff swear and verify this Complaint.

I De-Shawn Brungs have suffered a brutal beating while zip tied
my hands and or nerves are still numb after my hands turned
blue & Purple this beating was given by the hands of State Police
Murkland Police, DOC officer's And others John Doe I believe
Also some officers named Beale, Mitchell and murkel also

What
happened to
you?

I.V.C.C. constantly invokes security threw out litigations however
that've failed to protect me from. A) Being taken hostage and
B) Being Brutally beaten while zip tied (handcuffed) which my hands are still
numb from. Over 100 men were Assaulted while zip tied this was NO Justice!
This was white nationalism, fascism, hatred and promotion of more
hatred more breeding of monster's who evidently do not forget
Being A tortured Captive. I sought the Police As A force of rescue
but instead I got nothing more than blood thirsty Rabid Dog's
seeking nothing more than Revenge trying to kill me

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Who did
what?

While being beaten it was as if my spirit or soul left my body
And I was looking down at my corpse or body being beaten
I could see those resting in peace. Travis Martin,
Michael Gardner, Sandra Blumel, Rodney King, Martin Luther
King then those who lost their lives due to J.W.C.
Tyson Cunningham, Robert Shupe, Arias & Blaise P. DeJesus
Jermaine Lamar Wilson. I started to think of how there was
no ceremony, no apology, no horns blown, no salute, nor even
A conviction for those who died in custody families
All that was being given was more hatred as those crooked
officials punched and kicked me calling me nigger!

I'm requesting a immediate injunction because I've
submitted numerous sick calls for my injury(s) however
I wasn't called to a nurse until my face had healed the
swelling went down the pain in my temple continues
After my face had scabbed I was given bacitracin my ribs feel
shattered and I need to see a doctor on the outside for
A real factual opinion for some reason it hurt's to cough
and I can't stop coughing I requested a treatment
for the nebulizer for my Asthmatic Condition and/or Chronic
Cough but have not received yet and I just keep coughing
like I have pneumonia from being forced to walk
barefooted for 1 or 2 miles please read my sworn & verified
complaint. I was deprived clothing top & bottom pants, Boxers, socks
sheet, blanket Basic Necessities for 9 day direct violation
of the 8th Amendment I filed Grievances to no avail.
I'm also suffering of Nightmares and Flashbacks of Grenades going
off people hollering & screaming and Authorities calling me
nigger while beating me I've filed sick calls to mental health
all they say is I will see the Provider. to no avail.

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Was anyone
else
involved?

Department of Corrections and Governor John Carney is responsible for the following:

1) Denial of Due Process

2) Excessive Force

3) Deliberate indifference to my Medical needs

4) Failing to Protect After invading security

5) Restraining and or Depriving me of my

litigation Adequate Access to Courts

A) Failing to Protect me from becoming a hostage held for 18 hours

B) Not Protecting me from the Beating of its Underlings and Authorities

C) Not making sure I receive Adequate Medical Care

D) For Depriving me of my Property and many levels most importantly my litigation my legal work where I have 7 Open Cases (Transcripts)

E) For Depriving me of my Property shower shoes Hygiene Basic Necessities, Acodant, 2 pair Sneakers Headphones, Prayer Rug, Noti. Transcripts, Radio, TV, Photo Album pictures of my Dead Grandmother, everything everything I think I've owned in 10 Years. My Cell was far from Crime Scene

F) for having me housed in A "medium high" housing unit when I've been classified to medium since March of 2016. DelDOT warden Parker and J.V.L. is responsible for placing me in this warzone Now I'm housed in Maximum-security with no write-up No Charge of any sort no Due Process

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Who did
what?

G) I'm Retaining The National Legal Professional Associates And I need my transcripts to be able to turn over to them Immediately.

This is Certainly Denying me Adequate Access to the Courts And My Freedom of Exuberation.

Case 1:17-cv-00188-GMS Document 2 Filed 02/22/17 Page 9 of 15 PageID #: 141
Despite being classified as medium I was wrongfully housed in C-Bldg in which a hostage situation occurred due to the constant smoke (fire burning creating a constant cloud of smog) this caused me to suffer problems breathing and trying to cover my face with a old hat which did not stop the soot from clogging my nasal passage when I sniffed water and blew out water that came out was black and smell horrible. (Chronic Care Patient)

On this February 1st 2017 I was locked in my cell for what seemed to be 18 hours finally toward the end I heard what seemed to be flash bang grenades approximately 4 hrs went off, creating very loud sounds

I could hear the State Police and or John Does and or D.O.C. officers screaming and yelling those animals killed him their All Guilty!!! I could next hear the cell doors being open and it seemed in every cell they created a hysteria and or frivolous commotion to be able to say stop resisting or lay down I could hear many different prisoners being beaten and hollering I'm not resisting then the officers saying shut the fuck UP!!!

The officer's even beat the prisoners that were steel and the other's who said we helped protect the counselor. As I layed faced down with two other in my cell (prisoner's) the 2nd prisoner said man they must have found someone dead man their going to kill our Ass.

I still layed waiting on the I thought to be "rescue unit" to no avail as soon as the door open they rushed the cell the short officer (John Does) stepped directly on my head down my back blunging down and started punching me in my back despite my hands were already behind my back the officer then twisted my thumbs and pulled the zip tie as tight as he possibly could punching me again saying stop resisting the whole time I not once resisted, so I said to him as clearly as possibly I'm not resisting so then he punched me in the left side of my face breaking my glasses, maliciously and sadistically for the purpose of harm

the one little short officer (John Doe) is taking my sneakers and or pulling my feet instead of simply taking my shoes off while I was face down tied up.

So as the short officer with the little man Complex is taking my sneakers He say's Yeah Now these are my Jordans Bixxh! As I'm being ordered to stand by all these officers I stumble into a free fall where the little short coward of a officer punches me in the temple I fall forward toward the cell door They All yell Get the Fxxk Up!!! As I reach the cell door I can see what seems to be a soul train line of officers who all punched and kicked me causing me to slide down the wet flooded hallway. I was called everything from mother fxxker to Nigger! to Stupid fxxking Nigger while being beaten.

I was dragged and beaten from botier all the way to the yard once I was in the yard the officer (John Doe) stomped my head into the ground causing my shin to cut and tear and then the right side to Strawberry.

I was punched and choked a officer pushed his knuckles in my ear & between my jaw and neck then another officer sprayed his pepper spray up my right nostril causing me A excruciating Pain causing me Pain in my sinus and coughing out pepper spray I scream I have Asthma And You're trying to kill me! All this happen while laying on Ice cold Pavement of 30 degree for what seemed like forever. I was walked to medical barefoot my pants and shorts fell off I was being paraded in my under garments. I could feel my ribs cracking And had problem's breathing I explained to the nurse I asked to take pictures of my injuries no Avail. I was walked A mile or two barefoot in Undergarment 5:55 Am Paraded I recieved NO treatment when C.O. Woloshin

are purple and blue he tried to cut the tie but I felt a excruciating pressure and hollered finally he found a way for that I am forever Grateful. → (Nerve Damage hands are still numb)

Harold
Beale
Mitchell
James
mentioned

Now to my property I recieved a Brief from the 3rd circuit Court of Appeals And or the Defendant Dorowit Stuart Kelly in which I had a deadline to Reply to I wrote the law library, I wrote Property I asked numerous officers about my legal work so I filed a grievance to no Avail~~able~~ I asked officers daily some or most said it was intentionally destroyed along with 120 other's property this had to be done by the officers because I was in the last load of prisoners no one was left be hind unsupervised But DOC And or the State Police most of my Property was in A locker box. The rest was Picked up already on my Bedspace or frame

I Asked A Lieutenant who said my Property And the C-Bldg Property is in the GYM but when I ask any other officer that either Go silent or say it's been destroyed and should have been And that they should Condemn the whole C-Bldg this Deprivation is Causing me A serious hardship No legal work (Appeals efforts of freedom Enclave) Transcripts Deprived, My Family Photo's NO Shower Shoes NO sneakers I suffer of Athletic foot NO HUGER SOAPs of Commissary I'm Allergic to State soap, Then I'm suffering of PTSD And Flashback's of this Attack by what seemed to be A Pack of Wolves with Cert And Police on the Chesti Back If this was Justice I hate to see what Crime IS. I Swear i Verify this Compliant,

DeShawn Arumgo sr #3655ale

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VI. ADMINISTRATIVE PROCEDURES

WARNING: Prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). Your case may be dismissed if you have not exhausted your administrative remedies.

Is there a grievance procedure available at your institution? ☒ Yes ☐ No

Have you filed a grievance concerning the facts relating to this complaint? ☒ Yes ☐ No

If no, explain why not:

Is the grievance process completed? ☒ Yes ☐ No

If no, explain why not:

VII. RELIEF

State briefly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

to have J.I.U.C.C and or Doc Compensate me for A
Brutal Assault by their official who beat me while
ziltied. Secondly I would like the Court to
DOC and or J.I.U.C.C turn over my legal work
And Document \$300 in fund commissary shower shoes
clothes, TV, Radio, Prayer Rug, Kufi, 2 Pairs of
Sneakers, Michael Jordan's And Air ones And the
list Goes on to my Photo Album pictures of my
Deceased Grandmother. 12

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VIII. PRISONER'S LITIGATION HISTORY

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in forma pauperis in federal court if that prisoner has "on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. §1915(g).

Have you brought any other lawsuits in state or federal court while a prisoner?

☒ Yes ☐ No

If yes, how many? 6

Number each different lawsuit below and include the following:

- Name of case (including defendants' names), court, and docket number
- Nature of claim made
- How did it end? (For example, if it was dismissed, appealed, or is still pending, explain below.)

Currently I am being Deprived of All Property
so I Am Unable to Remember All my Case
Numbers But I'm Giving what I can Remember
to the best of my knowledge

1:08-CV-00592 Drumgo V Brown (Remanded in 3rd Cir)

1:12-CV- Drumgo V Burnis

1:12-CV- Drumgo V Radcliffe

1:14-CV-01134 Drumgo V

1:14-CV-01135 Drumgo V Kuschel sexual assault

1:14-CV-01136 Drumgo V

To the best of my knowledge

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IX. PLAINTIFF'S DECLARATION AND WARNING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; and (3) complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Plaintiff must sign and date the complaint and provide prison identification number and prison address.

2-20-17
Dated


Plaintiff's Signature

Drumgo De-Shaw D
Printed Name (Last, First, MI)

#365566
Prison Identification #

1181 Paddock Road Smyrna DE 19977
Prison Address City State Zip Code

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

